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September 8, 2014

VIA ECF

Hon. Denise L. Cote, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl St.
New York, New York 10007-1312

Re: *Payano v. CompassRock Real Estate LLC, et al.;*
13-cv-7967 (DLC)

Dear Judge Cote:

Our firm is counsel to defendants CompassRock Real Estate LLC and Resource Management, Inc. (“Defendants”) in the referenced action. We are writing with respect to the Motion for Settlement Approval, which was filed by counsel for Plaintiff Victor Payano (“Plaintiff”) on September 5, 2014 (the “Motion”). (ECF No. 36.)

Pursuant to paragraph 8 of the parties’ settlement agreement (the “Agreement”), Plaintiff’s counsel was required to provide Defendants’ counsel with a reasonable opportunity to review and provide comments on the Motion *before it was filed*. (ECF No. 36-1, ¶ 8.) Plaintiff’s counsel, however, did not afford us this opportunity, and we saw the Motion for the first time when we received a copy via ECF on September 5.

While Defendants do not object to the terms of the settlement, as set forth in the Agreement, we wish to clarify for the record that the Motion was filed without Defendants’ counsel’s prior review and comments (as provided in the Agreement). Indeed, if we had been afforded an opportunity to review the Motion, we would have emphasized, among other things, that: (a) Defendants dispute the number of hours Plaintiff claims to have worked and his claims of retaliation, and do not admit liability in this matter; and (b) Defendants utilized a different methodology to reach agreement with Plaintiff’s counsel on the amount of his attorneys fees.

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Defendants believe that the terms of the settlement in this matter, as reflected in the Agreement, are fair and reasonable, and request that the Court approve the settlement.

Thank you for your attention to this matter.

Respectfully submitted,



Aislinn S. McGuire

cc: Abdul K. Hassan, Esq.